

Docket No. F-8098

Ser. No. 10/751,378

REMARKS

Claims 1-7 are pending and the Examiner has rejected claims under 35 U.S.C. § 103(a) as being unpatentable over Charton et al (USPN 5,732,688) as modified by any one of JP 2003-278544, JP 2002-285843, Plaff et al (U.S. Patent No. 6,343,572), Derwent Pub. 2002-423613, JP 08-261071 or Saito et al (U.S. Patent No. 6,758,173) where each of the six modifying references is cited for teaching an expansion tank. Claims 1-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the stated prior art as further modified by JP '956 and optionally Malatto et al. (U.S. Patent No. 6,340,006 B1) or Pass (USPN 5,785,030). Claims 6 and 7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the stated prior art as modified by JP 2001-173519 and optionally JP 03-183919.

In response to the rejections, Applicant has further amended the claims. Support for the amendments may be found on page 8, paragraph 1 of the specification and are illustrated in Fig. 1. It is submitted that the references fail to teach:

“the controller adjusting the amount of cooling medium liquid based on measured temperatures from said temperature sensor;
a second temperature sensor measuring the outlet temperature of the EGR gas; and

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a cooling medium temperature sensor measuring the outlet temperature of the cooling medium liquid”.

Accordingly, Applicant asserts that the claims are patentable over the references. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) (a prima face case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$120.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

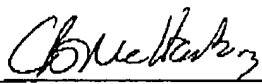
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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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